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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

BAYKEEPER, a non-profit corporation,

Plaintiff,

v.

LAKESIDE NON-FERROUS METALS, INC.,

Defendant.

Civil Case No. C 12-03294-DMR

Hon. Donna M. Ryu

**NOTICE OF TENTATIVE
SETTLEMENT; REQUEST TO
VACATE INITIAL CASE
MANAGEMENT CONFERENCE AND
RELATED DEADLINES; ~~PROPOSED~~
ORDER AS MODIFIED**

TO THE COURT AND TO THE PARTIES:

PLEASE TAKE NOTICE that Plaintiff Baykeeper (“Baykeeper”) and Lakeside Non-Ferrous Metals, Inc. (“Lakeside”) (collectively, the “Parties”) have reached a tentative settlement in this action, which has been executed by the Parties. As required by federal law, a copy of the [Proposed] Consent Decree has been sent to the U.S. Department of Justice and to the U.S. Environmental Protection Agency (collectively “the Agencies”) for a mandatory 45-day review period under Section 135.5 of Title 40 of the Code of Federal Regulations. Copies of the [Proposed] Consent Decree will be sent to the Agencies via U.S. Certified Mail on today’s date. Because the Agencies interpret the 45-Day review period as commencing on the date the Agencies receive the [Proposed] Consent Decree, Plaintiff will promptly notify the Court in writing upon expiration of the 45-Day review period, and shall advise the Court as to whether any objections were received from the Agencies. Upon expiration of the 45-Day review period, the Parties will jointly request that the Court (1) approve and execute an Order dismissing the Complaint and (2) approve and execute the [Proposed] Consent Decree which provides for continuing Court jurisdiction over any disputes which may arise between the parties under the agreement.

Consistent with the impending settlement of this action, the Parties hereby respectfully request that the Court vacate from its calendar the September 26, 2012 Initial Case Management Conference and associated deadlines. Should the Court require any additional information, the undersigned will be pleased to provide it upon request.

[PROPOSED] ORDER

GOOD CAUSE APPEARING,

The Parties' Initial Case Management Conference on September 26, 2012, is vacated, along with all associated ADR deadlines. The parties shall submit a status report by no later than October 24, 2012.

IT IS SO ORDERED

Date: September 7, 2012

NORTHERN DISTRICT OF CALIFORNIA



Honorable Donna M. Ryu
United States District Court